



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 24, 2007

OFFICE OF
WATER

MEMORANDUM

FROM: Carol Jorgensen, Director
American Indian Environmental Office

A handwritten signature in black ink that reads "Carol J. Jorgensen".

TO: Assistant Administrators
Regional Administrators
Indian Program Policy Council
National Indian Work Group
National Tribal Caucus

I am pleased to attach for your review the recently completed evaluation of the Indian Environmental General Assistance Program (GAP).

The results of this evaluation clearly establish that GAP has been effective in building the foundation of environmental capacity among tribes, defined as capability in one or more of the five indicator areas – technical, legal, enforcement, administrative, and communications.

The evaluation highlights the fact that Tribes receiving GAP have relatively well-developed technical and communications capabilities, and are continuing to develop capacity in the areas of legal, enforcement and administrative capacity.

The evaluation also states that EPA has done much in recent years to clarify grant expectations and administrative requirements of GAP for tribes, and tribes in turn are increasingly meeting these expectations and requirements. For example, EPA has developed a standard GAP work plan format for tribes to use, and has offered GAP management workshops. With continued outreach and assistance from GAP Project Officers (POs), tribes have significantly improved their ability to fulfill regional expectations for grants management, such as the timely submittal of quality work plans and progress reports. Currently, a majority of tribes in most regions are submitting their work plans and progress reports on time. Apart from isolated instances where fiscal problems have been documented, tribes overall almost always or often meet their region's expectations for the execution of administrative functions under GAP.

Tribes have successfully leveraged GAP resources to acquire additional grant funding from EPA media programs and non-EPA federal agencies.

EPA will continue to work with tribes to address concerns raised about lack of resources for program implementation and inadequate funding levels

EPA concurs with the recommendations made in this evaluation. Recommendations and our concurring responses follow.

RECOMMENDATIONS TO EPA AND RESPONSES

Recommendation 1: Consider developing a mechanism to support Tribal program implementation.

Concurring Response 1:

As noted in the report, EPA will continue to promote and expand the use of Performance Partnership Grants (PPGs) by tribes.

Because PPGs comprise grants that are subject to variations in funding levels and availability, they may not be the preferred option for tribes over the long term. EPA continues to work with tribes to identify or develop transitional funding mechanisms to support those activities that fall between the developmental funds provided by the current GAP legislation, and full implementation funding. The Agency will continue to work with Congress to identify a suitable mechanism to provide these much needed resources. In the interim, the Agency has been developing methods by which tribes could have additional administrative and reporting flexibility, and working with EPA program offices to make sure tribes are informed about additional funding opportunities.

Recommendation 2: Consider working with tribes and regions to enhance administrative, legal, and enforcement capacity.

Concurring Response 2:

EPA has established several procedures to enhance tribal and regional capacity. The American Indian Environmental Office (AIEO) coordinates monthly conference calls for regional GAP Program staff. This is in addition to annual GAP PO Working Sessions, and the aforementioned joint onsite regional reviews by AIEO and staff of regional GAP programs. AIEO has also committed to developing and implementing annual GAP guidance or policy updates.

EPA regional tribal staff are also working with tribes to strengthen administrative and legal capacity. Regions provide networking opportunities for tribes to share codes, ordinances, and standards, as well as providing both standards and opportunities for training on the key components contribute to effective GAP grant management. For example, Region 5 provides a detailed list of recommendations for tribes in that region to incorporate into their work plans to assist in making progress in the area of administrative management.

Recommendation 3: Raise awareness of innovative environmental policy approaches to complement traditional codes and standards.

Concurring Response 3:

AIEO and regions help tribes by raising awareness of innovative policy approaches, readily available materials, and potential funding sources. EPA developed an innovative funding report that identifies a number of options for tribes and EPA to explore. The report examines the allocation of existing EPA tribal grant funds and seeks ways to improve existing processes; identifies current management practices in EPA's tribal program and highlights practices that should be used more frequently to make the most of existing funds; and explores the idea of leveraging federal resources for tribal environmental programs and contains suggestions for EPA's collaboration with other federal agencies and departments.

Inter-tribal consortia are key partners of EPA and tribes in exploring and developing innovative approaches to environmental management. They provide specialized training and support to tribes in diverse areas such as training judges on managing environmental issues, and providing circuit riders to assist with implementing financial management systems. These efforts supplement the actions of individual tribes and efficiently spread knowledge and experience among a wider audience than may be feasible for individual tribes.

Recommendation 4: Acknowledge cross-cultural differences, and continue working with tribes to maintain a respectful dialog.

Concurring Response 4:

Understanding and cooperation between tribes and EPA are and will continue to be the cornerstones of effective environmental management programs in Indian country. EPA will continue to promote active participation between its respective program and tribes, through on-site visits, frequent communication via e-mail, telephone, conference calls and regular group forums for addressing issues. These included Regional Tribal Operation Committee meetings, grant training sessions, and regular program or issue-focused trainings.

EPA has been encouraging tribal technical development through the funding of tribal scholarships, the provision of internships, and promoting interagency agreements for staff exchanges between tribes and EPA. While these programs fall outside of the GAP program, they reinforce the ability of tribes to address tribal issues, and provide opportunities for tribes to participate more directly in tribal program management, as well as for EPA staff to gain exposure to tribal perspectives.

Recommendation 5: Track progress toward achievement of the new 2006-2011 strategic goals and targets.

Concurring Response 5: EPA is currently tracking progress in the 2006-2011 plan.

AIEO is ensuring that its data collection systems allow for the effective capture and tracking of indicators related to the updated strategic targets through its reporting 5.3 system and through the implementation of GAP Online, a web-based work plan development and reporting system.

GAP Online is a work plan development and reporting tool intended to facilitate interaction between the regions and tribal recipients. In addition to encouraging the development of environmental results and measures, the tool allows for electronic interaction during the negotiation of work plan components and commitments, as well promoting reporting that is directly linked to the work plan commitments. It also greatly facilitates the development of national summary reports on actions and connections among GAP- funded activities and EPA Strategic Plan commitments.

AIEO is considering the degree to which its proposed performance measures align with tribal priorities and perspectives, and the feasibility of tribes achieving them. Tribes have provided input into performance measures. Progress in these areas will be tracked in the 5.3 system.

If you have any questions please contact me at 202-564-0303 or Teresa Kuklinski of my staff at kuklinski.teresa@epa.gov or 202-564-0246. In addition, a link to the entire evaluation will be on the AIEO Website and on EPA's Office of Policy, Economics and Innovation Evaluation Support Division's Website:
<http://www.epa.gov/evaluate/reports.htm>.